

IN RE: PETITION FOR VARIANCE
S/S Clearwood road, 92.35' W of
the c/l of Dalesford Road
(1537 Clearwood Road)
9th Election District
6th Councilmanic District

Jude Marie Martin
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-126-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 1537 Clearwood Road, located in the vicinity of Oakley Road in Hillendale. The Petition was filed by the owner of the property, Jude Marie Martin. The Petitioner seeks relief from Sections 1B01.2.C.1.b and 301.1A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 16 feet and a rear yard setback of 15 feet in lieu of the required 25 feet and 30 feet, respectively, and to permit an open projection (porch) to be located in the front yard with a setback of 10 feet in lieu of the minimum required 18.75 feet for a proposed dwelling. The subject property and relief sought are more particularly described on the site plan submitted and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Jude Martin, property owner, her fiancée, Tim Lovell, and her father, Jack Martin, the original owner of the property. Appearing in opposition to the request were adjacent property owners, Grace Clark, her brother George Clark, and Charles Keeny.

Testimony and evidence offered revealed that the subject property consists of 0.158 acres, more or less, zoned D.R. 5.5 and is presently unimproved. The property is a rectangular lot, approximately 63 feet wide

ORDER RECEIVED FOR FILING

Date 11/2/95

By [Signature]

[Signature]

by 108 feet deep, and is located between Mr. Keeny's property at 1535 Clearwood Road and Ms. Clark's property at 8126 Dalesford Road. Testimony revealed that this lot was at one time used as a water conduit to transport water from the Loch Raven Dam to Lake Montibello. The Petitioner's father apparently purchased a larger tract of which the subject property was a part many years ago, and subsequently subdivided his holdings to create the subject lot for his daughter. Ms. Martin and Mr. Lovell presented elevation drawings of the proposed dwelling they wish to construct on the subject property. For design purposes and aesthetic reasons which were pointed out at the hearing, the Petitioner wishes to orient the dwelling so that its front faces the rear of the Clark property, which fronts Dalesford Road, and the rear of the dwelling will face the side yard of the Keeny property. Under normal circumstances, a dwelling on this lot would face Clearwood Road; however, the Petitioner chose to orient the house in the fashion described above and thus, the requested variances are necessary. It should be noted that if the Petitioner were to relocate the front entrance to the proposed dwelling to the side facing Clearwood Road, all setback requirements would be met and no variance would be necessary.

After discussing the matter with adjacent property owners who are vehemently opposed to the Petitioner's plans to orient the proposed dwelling as set forth above and on Petitioner's Exhibit 1, I am persuaded to deny the variance. The Petitioner has failed to satisfy the burden imposed upon her by Section 307.1 of the B.C.Z.R. which sets forth a three-pronged test for justifying the grant of any variance. Therefore, the relief requested must be denied. Furthermore, it was clear that the Petitioner chose to orient the proposed dwelling in the manner described here-

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Date

By

in as a matter of preference and not by necessity and thus, any hardship or practical difficulty expressed is self-created.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

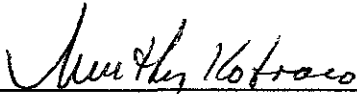
- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, there is insufficient evidence to allow a finding that the Petitioners would experience practical difficulty or unreasonable hardship if the requested variance were denied. The testimony presented by Petitioners was in support of a matter of preference rather than of the necessity for the variance. The Petitioners have failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Therefore, the variance requested must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 7th day of November, 1995 that the Petition for Variance seeking relief from Sections 1B01.2.C.1.b and 301.1A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front setback of 16 feet and a rear yard setback of 15 feet in lieu of the required 25 feet and 30 feet, respectively, and to permit an open projection (porch) to be located in the front yard with a setback of 10 feet in lieu of the minimum required 18.75 feet, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date

By

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

November 7, 1995

Ms. Jude Marie Martin
8102 Dalesford Road
Baltimore, Maryland 21234

RE: PETITION FOR VARIANCE
S/S Clearwood road, 92.35' W of the c/l of Dalesford Road
(1537 Clearwood Road)
9th Election District - 6th Councilmanic District
Jude Marie Martin - Petitioner
Case No. 96-126-A

Dear Ms. Martin:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Timothy M. Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Ms. Grace Clark
8126 Dalesford road, Baltimore, Md. 21234

Mr. Charles L. Keeny
1535 Clearwood Road, Baltimore, Md. 21234

People's Counsel

File



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at # 1537 CLEARWOOD ROAD

which is presently zoned DE 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B01.2.C.1.b & 301.1A

To allow a front setback of 16 & a rear yard setback of 15 in lieu of the required 25 ft. & 30 ft. respectively. To allow an open projection (porch) in the front yard with a setback of 10 ft. in lieu of the required 18.75 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

To be discussed at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee.

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s)

Jude Marie Martin

(Type or Print Name)

Jude Marie Martin

Signature

(Type or Print Name)

Signature

8102 Dalesford Rd (410) 665-1720

Address

Phone No

Balto

Md

21234

City

State

Zipcode

Name Address and phone number or representative to be contacted

Name

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates Next Two Months

ALL OTHER

REVIEWED BY:

DATE

9-18-95

123

Printed with Soybean Ink
on Recycled Paper



ORDER RECEIVED FOR FILING

Date

By

M. & H. DEVELOPMENT ENGINEERS, INC.

200 EAST JOPPA ROAD
ROOM 101, SHELL BUILDING
TOWSON, MARYLAND 21204

Towson Office
Malcolm E. Hudkins
Registered Surveyor
Phone 828-9060

SEPTEMBER 12, 1995

96-126-A

ZONING DESCRIPTION FOR #1537 CLEARWOOD ROAD

Beginning at a point on the south side of Clearwood Road which is 60 feet wide at the distance of 92.35 feet west of the centerline of Dalesford Road which is 40 feet wide. Being Lot #1 in the subdivision of John M. Martin Property as recorded in Baltimore County Plat Book S.M. #1, folio 106, containing 6881 sq. ft. or 0.158 acres. Also known as #1537 Clearwood Road and located in the 9th. Election District, 6th. Councilmanic District.



J. Tilghman Downey, Jr.

123

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-126-17

District 9th Date of Posting 10/13/95
Posted for: Variance
Petitioner: Jule M. Martin
Location of property: 1537 Clearwood Rd
Location of Sign: Facing roadway on property being zoned
Remarks: _____
Posted by M. J. Testa Date of return: 10/20/95
Signature
Number of Signs: 1



ALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No.

96-126 00572

DATE 9-18-95 ACCOUNT R-001-615-000

AMOUNT \$ 85.00

RECEIVED MARTIN
FROM:

OIO - VARIANCE -- \$50.00 ITEM # 123

OFO - SIGN - - - \$35.00 TAKEN BY: JRF
FOR:

\$85.00
RECEIVED BY: [Signature] DATE: 9-18-95

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CERTIFICATE OF PUBLICATION

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the

property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #96-126-A
(Item 123)
1537 Clearwood Road
S/S Clearwood Road, 92.35'
from of Dalesford Road
1537 Clearwood Road
9th Election District
6th Councilmanic
Legal Owner(s):
Jude Marie Martin
Hearing: Monday, October 30,
1995 at 9:00 a.m. in Rm. 118,
Old Courthouse.

Variance to allow a front setback of 16 feet and a rear yard setback of 15 feet in lieu of the required 25 feet and 30 feet, respectively; to allow an open projection (porch) in the front yard with a setback of 10 feet in lieu of the required 18.75 feet.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Call 887-3353.

(2) or information concerning
the File and/or Hearing,
Please Call 887-3391.

10/155 Oct. 12

TOWSON, MD.,

10/13, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/12, 1995.

THE JEFFERSONIAN,

A. Henrichson
LEGAL AD. - TOWSON

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

96-126-A

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: #123

Petitioner: Jude Marie Martin

Location: 1537 Clearwood Rd

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Jude Martin

ADDRESS: 8102 Dalesford Rd

Balto Md 21234

PHONE NUMBER: (410) 665-1720

MICROFILMED

TO: PUTUXENT PUBLISHING COMPANY
October 12, 1995 Issue - Jeffersonian

Please forward billing to:

Jue Martin
8102 Dalesford Road
Baltimore, MD 21234
665-1720

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-126-A (Item 123)
1537 Clearwood Road
S/S Clearwood Road, 92.35' from c/l Dalesford Road
1537 Clearwood Road
9th Election District - 6th Councilmanic
Legal Owner: Jude Marie Martin

Variance to allow a front setback of 16 feet and a rear yard setback of 15 feet in lieu of the required 25 feet and 30 feet, respectively; to allow an open porjection (porch) in the front yard with a setback of 10 feet in lieu of the required 18.75 feet.

HEARING: MONDAY, OCTOBER 30, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 11, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-126-A (Item 123)
1537 Clearwood Road
S/S Clearwood Road, 92.35' from c/l Dalesford Road
9th Election District - 6th Councilmanic
Legal Owner: Jude Marie Martin

Variance to allow a front setback of 16 feet and a rear yard setback of 15 feet in lieu of the required 25 feet and 30 feet, respectively; to allow an open porjection (porch) in the front yard with a setback of 10 feet in lieu of the required 18.75 feet.

HEARING: MONDAY, OCTOBER 30, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Jude Marie Martin

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 25, 1995

Ms. Jude Marie Martin
8102 Dalesford Road
Baltimore, Maryland 21234

RE: Item No.: 123
Case No.: 96-126-A
Petitioner: J. M. Martin

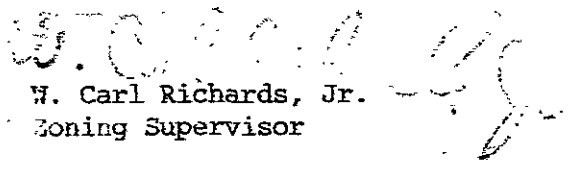
Dear Ms. Martin:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on September 18, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,


W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)





Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

10-2-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 123(JRF)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

10-2-95

MAX 5 2108

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DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

Joyce Watson

DATE: 10/9/88

JOYCE WATSON

POSTAL MAIL NO.	5706	TO: <u>Joyce Watson</u>	FROM: <u>Netty Sura</u>
TO: <u>Joyce Watson</u>	FROM: <u>Netty Sura</u>	TO: <u>Netty Sura</u>	FROM: <u>Netty Sura</u>
TO: <u>Netty Sura</u>	FROM: <u>Netty Sura</u>	TO: <u>Netty Sura</u>	FROM: <u>Netty Sura</u>
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MICROFILMED

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Oct. 13, 1995
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for October 10, 1995
Items 123, 125, 126, 129, 130 and 131

The Development Plans Review Division has reviewed
the subject zoning items and we have no comments.

RWB:sw

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: October 4, 1995

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 123, 124, 125, 126, 131, 136, 137, 138, 140, 142, 143, and 144. ^{1/}

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Daryl Kerns

PK/JL

RE: PETITION FOR VARIANCE
1537 Clearwood Road, S/S Clearwood Road,
92.35' from c/l Dalesford Road
9th Election District, 6th Councilmanic

Jude Marie Martin
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 96-126-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of October, 1995, a copy of the foregoing Entry of Appearance was mailed to Jude Marie Martin, 8102 Dalesford Road, Baltimore, MD 21234, Petitioner.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

RECEIVED

CASE NUMBER 96-126-A
Charles L. Keeny
1535 Clearwood Road
Baltimore, Maryland 21234

I served three and one half year in the Army between 1942-1946 and was paid \$54 per month for a grand total of \$2,600. At the age of 33 in 1954, my wife and I saved enough money to start to buy the home at 1535 Clearwood Road. The group homes were built on solid ground, but needed fill dirt in front and on the sides of the end of a group, one of which was 1535. I could see that quite a bit of the fill dirt was on the property next to us. The real estate man said that was permissible because the land belonged to the Mayor and City Council and nothing could be built on the land because a conduit runs under the property bringing water from Loch Raven Dam to Montebello Lake.

The fill dirt turned out to be sand and gravel that kept moving down the slope to the property in question, therefore, today quite a bit of my fill dirt is on this property.

A public passageway from the front of the property in question, to the rear has been in use by the public since the homes were built in 1954. I feel that the passageway on this property should remain open.

I believe that anyone that buys any property should be aware of the current zoning regulations and be willing to live with them.

To allow these variances would not be in keeping with the houses that are next to the property. Neither would it conform with the style of houses in the neighborhood.

I have 28 names on a petition that are in opposition to allowing the variance. All signatures are from neighbors of the property in question.

I ask that the variances not be allowed.

Charles L. Keeny

WITNESSES

BALTIMORE COUNTY ZONING
CASE NO. 96 126A
CLEARWOOD ROAD
HEARING OCTOBER 30, 1995 9AM

WE THE UNDERSIGNED ARE SIGNING THIS PETITION IN OPPOSITION TO THE VARIANCE TO ALLOW A 16' SET BACK IN THE FRONT AND A 15' SET BACK IN THE REAR IN LIEU OF THE REQUIRED 25 AND 30 FOOT. WITH A OPEN FRONT PORCH WITH A SET BACK OF 10' IN LIEU OF THE REQUIRED 18.75'

PRINTED NAME	ADDRESS	SIGNATURE
CHARLES L. KEENEY	1535 CLEARWOOD Rd 21234	Charles L. Keeney
Nancy F Keene	1535 Clearwood Rd 21234	Nancy F Keene
Barb Haines	8300 Dalesford Rd 21234	Barbara Haines
HACK SCHAUB	1533 (CLEARWOOD RD) 21234	Chuck Schaub
CINDI SCHAUB	1533 Clearwood Rd 21234	Cindi Schaub
SARY SOUTHARD	1529 Clearwood Rd 21234	Jing Southard
CHARLOTTE KEENEY	1527 Clearwood Rd 21234	Charlotte Keene
BARBARA GORDON	1525 Clearwood Rd 21234	Barbara Gordon
Lynda Dufek	1601 Clearwood Rd 21234	Lynda Dufek
JOSEPH J. SYKES	1531 CLEARWOOD RD 21234	Joseph J. Sykes
DANIEL HORTER	1519 Clearwood RD 21234	Dan Horter
Doris HORTER	1519 CLEARWOOD Rd 21234	Doris Horter
Lois BACON	1515 Clearwood RD 21234	Lois Bacon
Yun Lam Wong	1511 Clearwood Rd. 21234	Yun Lam
Jane Arwood	1521 Clearwood Rd 21234	Jane Arwood
Grace Clark	8126 Dalesford Rd 21234	Grace Clark
(GRACE CLARK)		
MARSHALL H KEENEY	1527 Clearwood Rd	Marshall H Keene
MICHAEL L STRASSER	8303 DALESFORD Rd	Michael L Strasser
ANNE BAUER	8305 DALESFORD	Anne Bauer
MATT FRANCIS	8314 Dalesford	Matthew Francis

WITNESSES

BALTIMORE COUNTY ZONING
CASE NO. 96 126A
CLEARWOOD ROAD
HEARING OCTOBER 30, 1995 9AM

WE THE UNDERSIGNED ARE SIGNING THIS PETITION IN OPPOSITION TO THE VARIANCE TO ALLOW A 16' SET BACK IN THE FRONT AND A 15' SET BACK IN THE REAR IN LIEU OF THE REQUIRED 25 AND 30 FOOT. WITH A OPEN FRONT PORCH WITH A SET BACK OF 10' IN LIEU OF THE REQUIRED 18.75'

PRINTED NAME	ADDRESS	SIGNATURE
MARY Taylor	8302 Dalesford Rd	Mary Taylor
Lou Seabreeze	1523 Clearwood Rd	Lou Seabreeze
Daniel HORTER	1519 Clearwood Rd	Daniel HORTER
Martha Seifick	1513 Clearwood Rd	MARTHA SEIFICK
ORA CHING	8500 XENDALE RD	ORA CHING
Anna Schuber	8302 Kendale Rd	ANNA SCHAUZER
Charles Ellrich	8124 Dalesford Rd	Ch
J M Holmes	848 Dalesford Rd	J.M. HOLMES

8102 Dalesford Rd
Balto., Md. 21234

Mr. Tim Kotroco
Balto. Co. Dept. Permits & Dev.
Old Courthouse Rm 110
400 Washington Ave.
Towson, Md. 21204

REF: Case # 96-126A (item 23)
J. M. Martin Property
1537 Clearwood Rd.
Hearing dtd. 10/30 9AM

Dear Mr. Kotroco:

The petitioners would like to thank you for the time allotted for the variance meeting for front & side setbacks on Monday' due to the main entrance door being at the side.

Please be advised that after reconsideration of this conflict we have added a front door and entrance area in the front of the house facing Clearwood Road.

We have likewise applied for a Building permit on 10/31 which is listed as Application # B252583.

I trust that this will eliminate any further requirements for hearings and or appeals.

Sincerely,


J. M. Martin

#450-95
af.

9/21/95
TO CS
OK

96-126-A

8102 Dalesford Rd.
Baltimore, MD 21234

September 18, 1995

Mr. Arnold Jablon, Dir., Permits Dev. Mgmt.
Baltimore County Office Bldg, Rm 111
111 West Chesapeake Avenue
Towson, Md. 21204

Item 123 Setback Variance
Location: 1537 Clearwood Rd.
Petitioner: Jude M. Martin

Dear Mr. Jablon:

I understand that it may be possible to obtain an early hearing date for the above property. This variance is required due to the front door being on the East side of the house which reoriented the front and back setbacks. I only realized this when I applied for a building permit two weeks ago. I believe that permit will require an additional two weeks after reapplication.

Your consideration of an early hearing date may allow me to have my house built this year before the frost.

Sincerely,
Jude Martin
Jude Martin

RECEIVED
SEP 20 1995

MICROFILMED

ZADM

96-126-A

8102 Dalesford Rd
Balto., Md. 21234

October 11, 1995

Mr. Arnold Jablon
Balto. Co. Dept. Permits & Dev.Mgmt.
111 W. Chesapeake Ave.
Towson, Md. 21204

Case No: 96-126-A (item 23)
1537 Clearwood Rd Setback Variances Fr.& Bk.
SS Clearwood Rd, 92.35' from c/l Dalesford Rd

Dear Mr. Jablon:

I regret that I will be out of state on business on the 30th. This letter will authorize my father Jack Martin & or Mr. Tim Lovell to represent me during the hearing scheduled for 9AM on October 30th.

Both of these individuals are familiar with the variance request and can answer any questions in my absence.

I trust that this meets with your requirements.

Sincerely,



Jude Martin

MICROFILM

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

~~Dude Martin~~
In Hall
JACK MARTIN

8102 Dalesford Rd Baltimore 21234
3509 VORSEMAN AVE BALTIMORE 21214
8102 Dalesford Rd 21234

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

GRACE CLARK
GEORGE D. CLARK, JR
CHARLES L. KEENE

21234
8126 DALESFORD Rd
8126 DALESFORD RD. 21234
1535 CLEARWOOD Rd. 21234



Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: #1537 CLEARWOOD ROAD

Subdivision names: JOHN M. MARTIN PROPERTY #95-013 M

Plat book # 1, folio # 106, lot # 1, section #

OWNER: JUDE MARIE MARTIN

see pages 5 & 6 of the CHECKLIST for additional required information



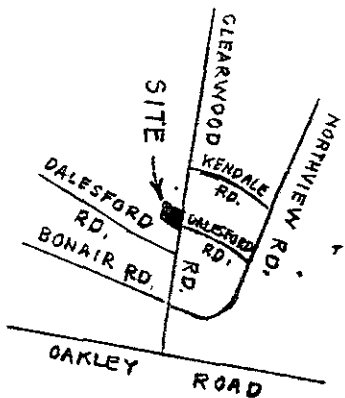
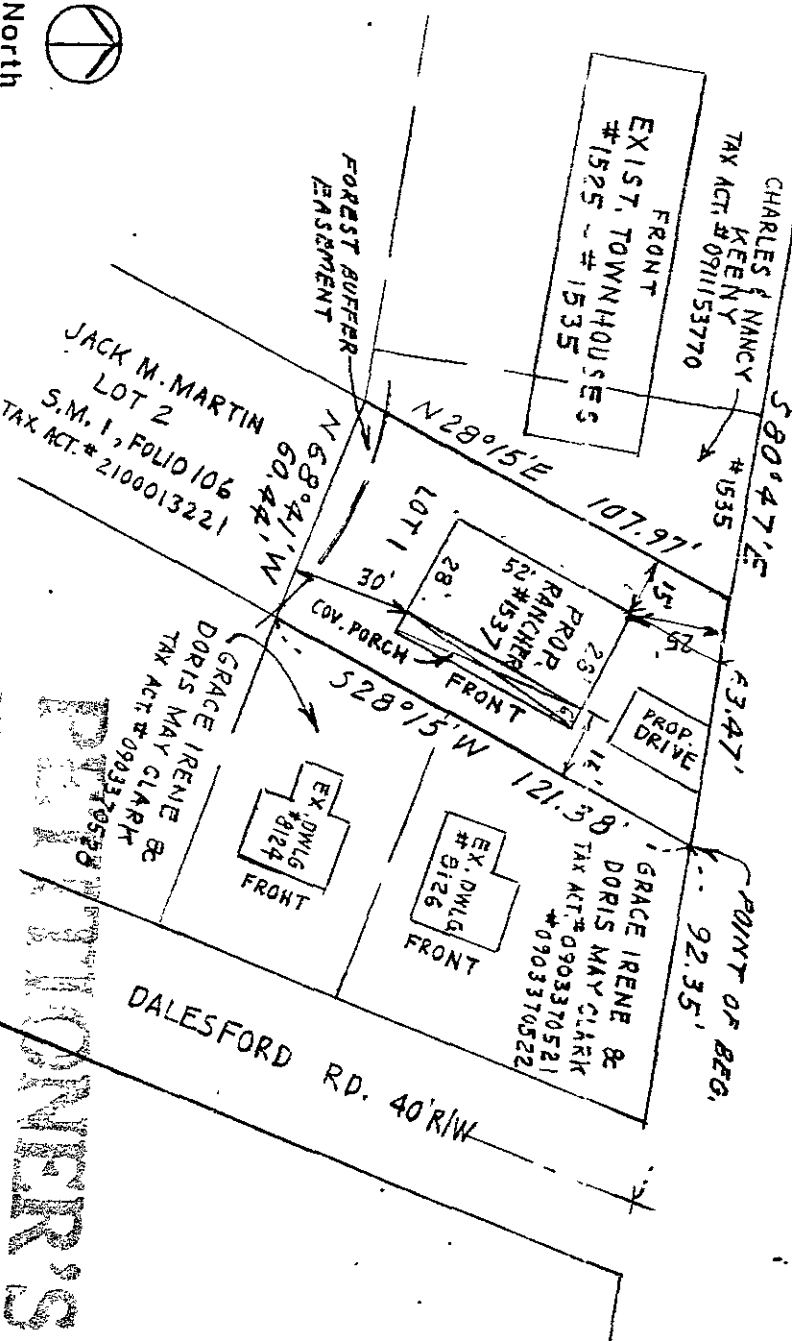
96-126-A

CLEARWOOD ROAD
60' R/W
36' PAVING

North

date: 9/12/95 (C.O.S.)
prepared by: M&H.DEV.ENG.INC.

Scale of Drawing: 1"=50'



Vicinity Map
Scale: 1"=1000'

LOCATION INFORMATION

Election District: 9 TH.
Councilmanic District: 6

1"=200' scale map#: NE 9 E
Zoning: DR 5.5
Lot size: 0.158 acreage
6881 square feet

SEWER: ☒ Public ☐ Private
WATER: ☒ ☐
Chesapeake Bay Critical Area: ☐ Yes ☒ No
Prior Zoning Hearings: NONE

Zoning Office USE ONLY

reviewed by: ITEM #: CASE#:
123

96-126-A

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/19/01 BY 60322 UCBAW

100-443887-100

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IN RE: PETITION FOR VARIANCE
S/S Clearwood road, 92.35' W of
the c/l of Dalesford Road
(1537 Clearwood Road)
9th Election District
6th Councilmanic District

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-126-A

Jude Marie Martin
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 1537 Clearwood Road, located in the vicinity of Oakley Road in Hillendale. The Petition was filed by the owner of the property, Jude Marie Martin. The Petitioner seeks relief from Sections 1801.2.C.1.b and 301.1A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 16 feet and a rear yard setback of 15 feet in lieu of the required 25 feet and 30 feet, respectively, and to permit an open projection (porch) to be located in the front yard with a setback of 10 feet in lieu of the minimum required 18.75 feet for a proposed dwelling. The subject property and relief sought are more particularly described on the site plan submitted and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Jude Martin, property owner, her fiancée, Tim Lovell, and her father, Jack Martin, the original owner of the property. Appearing in opposition to the request were adjacent property owners, Grace Clark, her brother George Clark, and Charles Keeny.

Testimony and evidence offered revealed that the subject property consists of 0.158 acres, more or less, zoned D.R. 5.5 and is presently unimproved. The property is a rectangular lot, approximately 63 feet wide

by 108 feet deep, and is located between Mr. Keeny's property at 1535 Clearwood Road and Ms. Clark's property at 8126 Dalesford Road. Testimony revealed that this lot was at one time used as a water conduit to transport water from the Loch Raven Dam to Lake Montibello. The Petitioner's father apparently purchased a larger tract of which the subject property was a part many years ago, and subsequently subdivided his holdings to create the subject lot for his daughter. Ms. Martin and Mr. Lovell presented elevation drawings of the proposed dwelling they wish to construct on the subject property. For design purposes and aesthetic reasons which were pointed out at the hearing, the Petitioner wishes to orient the dwelling so that its front faces the rear of the Clark property, which fronts Dalesford Road, and the rear of the dwelling will face the side yard of the Keeny property. Under normal circumstances, a dwelling on this lot would face Clearwood Road; however, the Petitioner chose to orient the house in the fashion described above and thus, the requested variances are necessary. It should be noted that if the Petitioner were to relocate the front entrance to the proposed dwelling to the side facing Clearwood Road, all setback requirements would be met and no variance would be necessary.

After discussing the matter with adjacent property owners who are vehemently opposed to the Petitioner's plans to orient the proposed dwelling as set forth above and on Petitioner's Exhibit 1, I am persuaded to deny the variance. The Petitioner has failed to satisfy the burden imposed upon her by Section 307.1 of the B.C.Z.R. which sets forth a three-pronged test for justifying the grant of any variance. Therefore, the relief requested must be denied. Furthermore, it was clear that the Petitioner chose to orient the proposed dwelling in the manner described here-

in as a matter of preference and not by necessity and thus, any hardship or practical difficulty expressed is self-created.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, there is insufficient evidence to allow a finding that the Petitioners would experience practical difficulty or unreasonable hardship if the requested variance were denied. The testimony presented by Petitioners was in support of a matter of preference rather than of the necessity for the variance. The Petitioners have failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Therefore, the variance requested must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 7th day of November, 1995 that the Petition for Variance seeking relief from Sections 1801.2.C.1.b and 301.1A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front setback of 16 feet and a rear yard setback of 15 feet in lieu of the required 25 feet and 30 feet, respectively, and to permit an open projection (porch) to be located in the front yard with a setback of 10 feet in lieu of the minimum required 18.75 feet, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

ORDER RECEIVED FOR FILING

ORDER RECEIVED FOR FILING

ORDER RECEIVED FOR FILING

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

November 7, 1995

(410) 887-4386

Ms. Jude Marie Martin
8102 Dalesford Road
Baltimore, Maryland 21234

RE: PETITION FOR VARIANCE
S/S Clearwood road, 92.35' W of the c/l of Dalesford Road
(1537 Clearwood Road)
9th Election District - 6th Councilmanic District
Jude Marie Martin - Petitioner
Case No. 96-126-A

Dear Ms. Martin:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Ms. Grace Clark
8126 Dalesford Road, Baltimore, Md. 21234

Mr. Charles L. Keeny
1535 Clearwood Road, Baltimore, Md. 21234

People's Counsel

File

Petition for Variance

96-126-A
to the Zoning Commissioner of Baltimore County

for the property located at # 1537 CLEARWOOD ROAD
which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1801.2.C.1.b & 301.1A To allow a front setback of 16 & a rear yard setback of 15 in lieu of the required 25 ft. & 30 ft., respectively. To allow an open projection (porch) in the front yard with a setback of 10 ft. in lieu of the required 18.75 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship - practical difficulty)

To be discussed at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Corrected Petitioner/Owner:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Printed with Signature Ink on Recycled Paper

(We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.)

Legal Owner(s):

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Printed with Signature Ink on Recycled Paper

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

ALL OTHER

REVIEWED BY: *TMK* DATE: 9-18-95

123

M. & H. DEVELOPMENT ENGINEERS, INC.

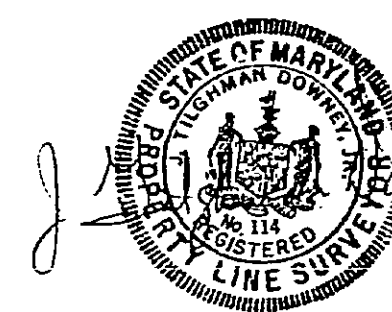
200 EAST JOPPA ROAD
ROOM 101, SHELL BUILDING
TOWSON, MARYLAND 21204

SEPTEMBER 12, 1995

Towson Office
Malcolm E. Hurlburt
Registered Surveyor
Phone 828-9900

ZONING DESCRIPTION FOR #1537 CLEARWOOD ROAD

Beginning at a point on the south side of Clearwood Road which is 60 feet wide at the distance of 92.35 feet west of the centerline of Dalesford Road which is 40 feet wide. Being Lot #1 in the subdivision of John M. Martin Property as recorded in Baltimore County Plat Book S.M. #1, folio 106, containing 6881 sq. ft. or 0.158 acres. Also known as #1537 Clearwood Road and located in the 9th. Election District, 6th. Councilmanic District.



J. Tiighman Downey, Jr.

123

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th Date of Posting: 10/13/95
Posted for: Variance
Petitioner: Jude M. Martin
Location of property: 1537 Clearwood Rd.
Location of Signs: Placing signs on property being zoned
Remarks: _____
Posted by: TMK Date of return: 10/20/95
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/13, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/12, 1995.

THE JEFFERSONIAN,
A. Henrickson
LEGAL AD. - TOWSON

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by notice of the County Board of Appeals, has ordered a public hearing on the following petition for a Variance from the Zoning Regulations of Baltimore County, to be held at the County Office Building, 115 W. Chesapeake Avenue, Room 101, on the 11th day of November, 1995, at 10:00 A.M.

Case #95-126-A
1537 Clearwood Road
9th Election District
6th Councilmanic District
Jude Marie Martin
Petitioner
Hearing Location: October 30, 1995 at 10:00 A.M. in the 115 W. Chesapeake Avenue, Room 101, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204
Legal Owner(s):
Jude Marie Martin
Hearing Location: October 30, 1995 at 10:00 A.M. in the 115 W. Chesapeake Avenue, Room 101, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204
NOTES: (1) Hearing is scheduled for 10:00 A.M. on October 30, 1995. (2) If the hearing is postponed, the date will be published in the Baltimore County Gazette. (3) If the hearing is postponed, the date will be published in the Baltimore County Gazette. (4) If the hearing is postponed, the date will be published in the Baltimore County Gazette. (5) If the hearing is postponed, the date will be published in the Baltimore County Gazette. (6) If the hearing is postponed, the date will be published in the Baltimore County Gazette. (7) If the hearing is postponed, the date will be published in the Baltimore County Gazette. (8) If the hearing is postponed, the date will be published in the Baltimore County Gazette. (9) If the hearing is postponed, the date will be published in the Baltimore County Gazette. (10) If the hearing is postponed, the date will be published in the Baltimore County Gazette. (11) If the hearing is postponed, the date will be published in the Baltimore County Gazette. 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111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

96-126-A

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: #123

Petitioner: Jude Marie Martin

Location: 1537 Clearwood Rd

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Jude Martin

ADDRESS: 8102 Dalesford Rd

Baltimore Md 21234

PHONE NUMBER: (410) 665-1720

AJ:ggg

(Revised 04/09/93)

TO: PUTNEM PUBLISHING COMPANY
October 12, 1995 Issue - Jeffersonian

Please forward billing to:

Joe Martin
8102 Dalesford Road
Baltimore, MD 21234
665-1720

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-126-A (Item 123)
1537 Clearwood Road
S/S Clearwood Road, 92.35' from c/l Dalesford Road
1537 Clearwood Road
9th Election District - 6th Councilmanic
Legal Owner: Jude Marie Martin

Variance to allow a front setback of 16 feet and a rear yard setback of 15 feet in lieu of the required 25 feet and 30 feet, respectively; to allow an open projection (porch) in the front yard with a setback of 10 feet in lieu of the required 18.75 feet.

HEARING: MONDAY, OCTOBER 30, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 11, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-126-A (Item 123)
1537 Clearwood Road
S/S Clearwood Road, 92.35' from c/l Dalesford Road
9th Election District - 6th Councilmanic
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Variance to allow a front setback of 16 feet and a rear yard setback of 15 feet in lieu of the required 25 feet and 30 feet, respectively; to allow an open projection (porch) in the front yard with a setback of 10 feet in lieu of the required 18.75 feet.

HEARING: MONDAY, OCTOBER 30, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: Jude Marie Martin

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink
on Recycled Paper



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 25, 1995

Ms. Jude Marie Martin
8102 Dalesford Road
Baltimore, Maryland 21234

RE: Item No.: 123
Case No.: 96-126-A
Petitioner: J. M. Martin

Dear Ms. Martin:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on September 18, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

U. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

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on Recycled Paper



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

10-2-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 123 (JRF)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2288 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

10/19/1995 10:49 14108874304 BALTO CO DEPRM FAX 3108 PAGE 01

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: FAX - Joyce Watson

DATE: 10/19/95

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda 10/19 and 10/20/95

Post-it Fax Note 7571
To: Joyce Watson From: Betty Sana
Cc: PDM
Phone # 3980
Fax # 5708

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee items:

Item #s: 123 133
124 134
125 137
126 138
127 1
131 14
132 143
144

LS:sp

LET172/DEPRM:TXTSBP

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
For October 10, 1995
Items 123, 125, 126, 129, 130 and 131

The Development Plans Review Division has reviewed the subject zoning items and we have no comments.

RWB:ew

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: October 4, 1995

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 123, 124, 125, 126, 131, 136, 137, 138, 140, 142, 143, and 144.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3460.

Prepared by: Jeffrey W. Long

Division Chief: Cheryl Kerns

PK/JL

ITEM123/PZONE/ZAC1

VS: PETITION FOR VARIANCE
1537 Clearwood Road, S/S Clearwood Road,
92.35' from c/l Dalesford Road
9th Election District, 6th Councilmanic
Jude Marie Martin
Petitioner
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 96-126-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Charles S. Demilio
CHARLES S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of October, 1995, a copy of the foregoing Entry of Appearance was mailed to Jude Marie Martin, 8102 Dalesford Road, Baltimore, MD 21234, Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

CASE NUMBER 96-126-A
Charles L. Keeny
1535 Clearwood Road
Baltimore, Maryland 21234

I served three and one half year in the Army between 1942-1946 and was paid \$54 per month for a grand total of \$2,600. At the age of 33 in 1954, my wife and I saved enough money to start to buy the home at 1535 Clearwood Road. The group homes were built on solid ground, but needed fill dirt in front and on the sides of the end of a group, one of which was 1535. I could see that quite a bit of the fill dirt was on the property next to us. The real estate man said that was permissible because the land belonged to the Mayor and City Council and nothing could be built on the land because a conduit runs under the property bringing water from Loch Raven Dam to Montebello Lake.

The fill dirt turned out to be sand and gravel that kept moving down the slope to the property in question, therefore, today quite a bit of my fill dirt is on this property.

A public passageway from the front of the property in question, to the rear has been in use by the public since the homes were built in 1954. I feel that the passageway on this property should remain open.

I believe that anyone that buys any property should be aware of the current zoning regulations and be willing to live with them.

To allow these variances would not be in keeping with the houses that are next to the property. Neither would it conform with the style of houses in the neighborhood.

I have 28 names on a petition that are in opposition to allowing the variance. All signatures are from neighbors of the property in question.

I ask that the variances not be allowed.

Charles L. Keeny

BALTIMORE COUNTY ZONING
CASE NO. 96 126A
CLEARWOOD ROAD
HEARING OCTOBER 30, 1995 9AM

WE THE UNDERSIGNED ARE SIGNING THIS PETITION IN OPPOSITION TO THE VARIANCE TO ALLOW A 16' SET BACK IN THE FRONT AND A 15' SET BACK IN THE REAR IN LIEU OF THE REQUIRED 25 AND 30 FOOT. WITH A OPEN FRONT PORCH WITH A SET BACK OF 10' IN LIEU OF THE REQUIRED 18.75'

PRINTED NAME	ADDRESS	SIGNATURE
CHARLES L. KEENY	1535 CLEARWOOD RD	<i>Charles L. Keeny</i>
Nancy F Keeny	1535 Clearwood Rd	<i>Nancy F Keeny</i>
Barb Heines	8300 Dalesford Rd	<i>Barb Heines</i>
HUCK SCHUB	1533 CLEARWOOD RD	<i>Huck Schub</i>
Indi Schaub	1533 Clearwood Rd	<i>Indi Schaub</i>
SARAH SOUTHARD	1529 Clearwood Rd	<i>Sarah Southard</i>
CHARLOTTE KEENY	1537 Clearwood Rd	<i>Charlotte Keeny</i>
BARBARA GORDON	1525 Clearwood Rd	<i>Barbara Gordon</i>
Lynne Dufek	1601 Clearwood Rd	<i>Lynne Dufek</i>
Joseph J. Sykes	1521 Clearwood Rd	<i>Joseph J. Sykes</i>
DANIEL HORTER	1519 Clearwood Rd	<i>Daniel Horter</i>
Chris Klotz	1519 Clearwood Rd	<i>Chris Klotz</i>
Koiz BACON	1515 Clearwood Rd	<i>Koiz Bacon</i>
Byu Lam Wong	1511 Clearwood Rd	<i>Byu Lam Wong</i>
Gray Arwood	1521 Clearwood Rd	<i>Gray Arwood</i>
Grace Clark	8126 Dalesford Rd	<i>Grace Clark</i>
GRACE CLARK		
Marshall H. Keeny	1527 Clearwood Rd	<i>Marshall H. Keeny</i>
Michael L. Strassner	8302 Dalesford Rd	<i>Michael L. Strassner</i>
ANNE BAUER	8305 DALESFORD	<i>Anne Bauer</i>
Math Francis	8314 Dalesford	<i>Math Francis</i>

BALTIMORE COUNTY ZONING
CASE NO. 96 126A
CLEARWOOD ROAD
HEARING OCTOBER 30, 1995 9AM

WE THE UNDERSIGNED ARE SIGNING THIS PETITION IN OPPOSITION TO THE VARIANCE TO ALLOW A 16' SET BACK IN THE FRONT AND A 15' SET BACK IN THE REAR IN LIEU OF THE REQUIRED 25 AND 30 FOOT. WITH A OPEN FRONT PORCH WITH A SET BACK OF 10' IN LIEU OF THE REQUIRED 18.75'

PRINTED NAME	ADDRESS	SIGNATURE
MARY Taylor	8302 Dalesford Rd	<i>Mary Taylor</i>
Lou Seabrook	1523 Clearwood Rd	<i>Lou Seabrook</i>
Daniel Horter	1519 Clearwood Rd	<i>Daniel Horter</i>
Martha Sykes	1513 Clearwood Rd	<i>Martha Sykes</i>
ORA MAHIG	8300 Dalesford Rd	<i>ORA MAHIG</i>
Anna Schaub	8302 Dalesford Rd	<i>Anna Schaub</i>
Charles Schaub	8124 Dalesford Rd	<i>Charles Schaub</i>
J.M. Holmes	8128 Dalesford Rd	<i>J.M. Holmes</i>

8102 Dalesford Rd
Balto., Md. 21234

Mr. Tim Kotroco
Balto. Co. Dept. Permits & Dev.
Old Courthouse Rm 110
400 Washington Ave.
Towson, Md. 21204

REF: Case # 96-126A (item 23)
J. M. Martin Property
1537 Clearwood Rd.
Hearing dtd. 10/30 9AM

Dear Mr. Kotroco:

The petitioners would like to thank you for the time allotted for the variance meeting for front & side setbacks on Monday' due to the main entrance door being at the side.

Please be advised that after reconsideration of this conflict we have added a front door and entrance area in the front of the house facing Clearwood Road.

We have likewise applied for a Building permit on 10/31 which is listed as Application # B252583.

I trust that this will eliminate any further requirements for hearings and or appeals.

Sincerely,
J. Martin
J. M. Martin

September 18, 1995

Mr. Arnold Jablon, Dir., Permits Dev. Mgmt.
Baltimore County Office Bldg, Rm 111
111 West Chesapeake Avenue
Towson, Md. 21204

Item 123 Setback Variance
Location: 1537 Clearwood Rd.
Petitioner: Jude M. Martin

Dear Mr. Jablon:

I understand that it may be possible to obtain an early hearing date for the above property. This variance is required due to the front door being on the East side of the house which reoriented the front and back setbacks. I only realized this when I applied for a building permit two weeks ago. I believe that permit will require an additional two weeks after reapplication.

Your consideration of an early hearing date may allow me to have my house built this year before the frost.

Sincerely,
Jude Martin
Jude Martin

RECEIVED
SEP 20 1995
ZADM

October 11, 1995

Mr. Arnold Jablon
Balto. Co. Dept. Permits & Dev. Mgmt.
111 W. Chesapeake Ave.
Towson, Md. 21204

Case No: 96-126-A (item 23)
1537 Clearwood Rd Setback Variances Fr. & Bk.
SS Clearwood Rd, 92.35' from c/l Dalesford Rd

Dear Mr. Jablon:

I regret that I will be out of state on business on the 30th. This letter will authorize my father Jack Martin & or Mr. Tim Lovell to represent me during the hearing scheduled for 9AM on October 30th.

Both of these individuals are familiar with the variance request and can answer any questions in my absence.

I trust that this meets with your requirements.

Sincerely,
Jude Martin
Jude Martin

PETITIONER(S) SIGN-IN SHEET

NAME _____

NAME
~~Rude Martin~~
Tim Lowell
JACK MARTIN

ADDRESS

8102 Dalesford Rd Balt Md 21234
3504 Vossland Ave Balt Md 21214
8102 Dalesford Rd 21234

PROTESTANT(S) SIGN-IN SHEET

NAME _____

GRACE CLARK
GEORGE D. CLARK, JR
CHARLES L. KEENE

ADDRESS

ADDRESS 21234
8126 DALESFORD Rd
8126 DALESFORD RD - 21234
1535 CLEARWOOD Rd. 21234

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: *1537 CLEARWOOD ROAD

Subdivision name, JOHN M. MARTIN PROPERTY * 95-013M

See pages 5 & 6 of the CHECKLIST for additional required information

[plat books] 1 [folio] 106, [map] 1 [section] 4

OWNER: *JUDE MARIE MARTIN

Vicinity Map
scale: 1"=1000'

LOCATION INFORMATION

Election District: 9TH

Councilmanic District: 6

1"=200' scale map#: NE 9 E

Zoning: DR 5.5

Lot size: 0.158
acres

SEWER: ☒ YES ☐ NO
WATER: ☒ YES ☐ NO
Chesapeake Bay Critical Area: ☐ YES ☒ NO

Prior Zoning Hearings: NONE

Zoning Office USE ONLY

reviewed by: ITEM #: CASE#:

123

96-126-A

CLEARWOOD ROAD
60' R/W
36' PAVING